

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIGUEL VALLE,

ECF

Plaintiff,

07 CIV. 8214 (CLB)(MDF)

v.

INVESTIGATOR THOMAS MORAN, AND  
INVESTIGATOR DALE BRICKWOOD, OF THE  
WESTCHESTER COUNTY DISTRICT  
ATTORNEY'S OFFICE,

**NOTICE OF  
MOTION TO  
DISMISS**

Defendants.  
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C O U N S E L O R S:

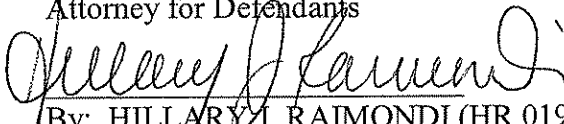
PLEASE TAKE NOTICE, that upon the annexed declaration of Hillary J. Raimondi, Associate County Attorney, sworn to the 16th day of November, 2007, the accompanying Memorandum of Law and upon all the papers and proceedings heretofore had herein, defendants THOMAS MORAN and DALE BRICKWOOD, of the WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE ("Defendants") will move this Court before the Honorable Charles L. Brieant, United States District Judge, in the United States Courthouse, 300 Quarropas Street, White Plains, New York, 10601, on the 14th day of December, 2007 at 10:00 in the forenoon of that day, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b) subdivision (6) of the Federal Rules of Civil Procedure (hereinafter "FRCP") dismissing the complaint with prejudice on the grounds of (a) absolute immunity; (b) failure to comply with New York State General Municipal Law §50-e; (c) failure to state a claim, and for such other relief as this Honorable Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.1, answering papers, if any, are to be served within ten (10) business days of the service of the motion; and reply papers are to be served within five (5) business days of the service of the answering papers.

Should this Honorable Court deny this motion, Defendants respectfully request that they be allowed twenty (20) days from the date of entry of such an order to answer the Complaint.

Dated: White Plains, New York  
November 16, 2007

CHARLENE M. INDELICATO  
Westchester County Attorney  
Attorney for Defendants

  
By: HILLARY J. RAIMONDI (HR 0198)  
Associate County Attorney, Of Counsel  
600 Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601  
(914) 995-3671

To: Karen L. Mayer, Esq.  
Attorney for Plaintiff  
Philip Russell, LLC  
66 Field Point Road  
Greenwich, CT 06830